

CASE 1:07-CV-00477 GMS
filed 03/18/2008

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ORIGINAL

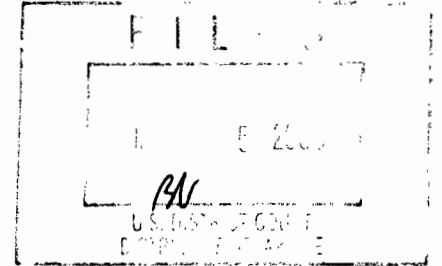
IN THE UNITED STATES DISTRICT COURT
for the District of Delaware

Paul Smith
Pro se Plaintiff,

C.A. No. 07-477-GMS

JURY TRIAL DEMANDED

Regional Medical First
Correctional (Doctor's AND Nurse's)
Carl Danberg, AND Thomas Carroll
Defendants.



DATE May 02-2008

Scheduling order
Motions TO AMEND COMPLAINT
Joinder of other parties AND AMENDMENT of pleading.

- (#1.) Medical Doctor's AND Nurse's AT THE DELAWARE CORRECTIONAL CENTER is a failure to PERFORM A CONTRACTED-for-AGREED UPON ACT, OR failure to Comply with a duty imposed By LAW.
- (#2.) Defendants - using the EXERCISE of AN influence to degrade OR disgrace SAID Plaintiff, in SUCH A WAY AS to

inflict punishment on Plaintiff without a judicial trial.

(#3.) ON MARCH 17, 2008, DEFENDANTS THOMAS CARROLL, C.A. No. 07-477-GMS ANSWER TO THE COMPLAINT, AND HEREBY ANSWERS THE COMPLAINT OF THE PLAINTIFF, PAUL SMITH ("PLAINTIFF"), CARL DANBERG AND BETTY BURRIS, DEFENDANTS, REGIONAL MEDICAL FIRST CORRECTIONAL, C.A. No. 07-476 GMS STATE OF DELAWARE DEPARTMENT OF JUSTICE 800 N. FRENCH STREET, 6th floor WILMINGTON DEPUTY ATTORNEY GENERAL - ATTORNEY FOR DEFENDANTS DANBERG, CARROLL, AND BURRIS. /S/ STACEY KARHOULAKOS

(#4.) DEFENDANTS DID INFLECT EMOTIONAL STRESS MENTAL STRESS AND DEPRESSION UPON THE MATTER'S OF ANSWERING BY STATEMENTS ON MARCH 17, 2008 STATING

(#5.) IMMUNITY - the quality or state of being immune; specif: a condition of being able to resist a particular disease esp. through preventing development of a pathogenic microorganism or by counteracting the effects of its products. DEFENDANTS STATEMENTS AGAINST PLAINTIFF.

- (#6) DEFENDANTS - STATEMENTS - IS immune from liability under the ELEVENTH AMENDMENT. AS TO ANY CLAIMS UNDER STATE LAW, ANSWERING PLAINTIFF is entitled to immunity under the STATE TORT CLAIMS ACT 10 DEL. C. § 4001 et. seq.,
- (#7) DEFENDANTS - STATEMENTS - AGAINST PLAINTIFF AS TO ANY CLAIMS UNDER STATE LAW, PLAINTIFF is entitled to SOVEREIGN immunity in his official capacity,
- (#8) DEFENDANTS - STATEMENTS - CANNOT BE held liable in the ABSENCE of PERSONAL INVOLVEMENT for the ALLEGED CONSTITUTIONAL DEPRIVATIONS,
- (#9) DEFENDANTS - STATEMENTS - AGAINST PLAINTIFF - TO the extent that PLAINTIFF seeks to hold ANSWERING DEFENDANTS liable based on SUPERVISORY RESPONSIBILITIES, the doctrine of RESPONDEAT SUPERIOR OR VICARIOUS liability is NOT A basis for liability in AN ACTION under 42 U.S.C. § 1983.
- (#10) DEFENDANTS - STATEMENTS - AGAINST PLAINTIFF Paul Smith pro se DEFENDANTS - STATE his official capacity is NOT liable for ALLEGED VIOLATIONS of PLAINTIFF'S CONSTITUTIONAL RIGHTS AS HE IS NOT A "PERSON" within the MEANING of 42 U.S.C. § 1983.

1. INSUFFICIENCY OF SERVICE OF PROCESS.
2. INSUFFICIENCY OF PROCESS.
3. LACK OF JURISDICTION OVER THE PERSON AND SUBJECT MATTER.

" WHEREFORE THE ANSWERING DEFENDANTS RESPECTFULLY REQUESTS THAT JUDGEMENT BE ENTERED IN FAVOR OF THE DEFENDANTS AND AGAINST PLAINTIFF PAUL SMITH PRO SE PLAINTIFF.

#11. ANOTHER STATEMENT - BY THE DEFENDANTS AGAINST PLAINTIFF - CAPACITY - MENTAL ABILITY TO MAKE A RATIONAL DECISIONS WHICH INCLUDES THE ABILITY TO PERCEIVE AND APPRECIATE ALL RELEVANT FACTS. CAPACITY IS NOT NECESSARILY SYNONYMOUS WITH SANITY. 1563 S. W. 2D, 197, 209. NO ONE CAN BE GUILTY OF A CRIME WHO LACKS THE LEGAL CAPACITY TO COMMIT IT. 22 C.J.S. 121.

#12. PLAINTIFF PAUL SMITH PRO SE FEELS THAT THESE TYPE OF STATEMENTS MADE AGAINST HIM, BY THE DEFENDANTS ARE RACIAL DISCRIMINATION STATEMENTS UNDER THE EQUAL PROTECTION CLAUSE OF THE 14TH AMENDMENT.

CERTIFICATION OF SERVICE

I HEREBY CERTIFY THAT ON MAY 02, 2008
I FILED FOR Scheduling Order Correspondence
With the Clerk of Court Document 32. I
HEREBY CERTIFY THAT ON MAY 02, 2008, I HAVE
MAILED BY UNITED STATES POSTAL SERVICE,
THE DOCUMENTS TO THE FOLLOWING

Office of the Clerk of Court
UNITED STATES DISTRICT COURT
844 N. KING STREET, LockBox 18
Wilmington, Delaware 19801-3570

Plaintiff,

Pro. se Mr. PAUL J. Smith Sr.
1416 Cowmarsh Creek Road
Camden, Delaware 19934
(302) 490-3603